

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
KNOXVILLE**

**UNITED STATES OF AMERICA )**

**v. )**

**DURATEK FEDERAL SERVICES )**

**3:06-CR-172\_\_\_\_  
JUDGE SHIRLEY**

**PLEA AGREEMENT**

The United States of America, by and through James R. Dedrick, United States Attorney for the Eastern District of Tennessee, and the defendant, DURATEK FEDERAL SERVICES (hereinafter "DFS") through corporate resolution and its counsel, William L. Penny, Esq., enter the following agreement pursuant to Rule 11(C)(1)(c) of the Federal Rules of Criminal Procedure:

1. Defendant DFS agrees to plead guilty to the attached Information which is incorporated herein by reference, charging a misdemeanor violation of 33 U.S.C. §§ 407 and 411.
2. Defendant DFS understands that upon conviction of the Information, 18 U.S.C. § 3571(c)(3), provides for a maximum fine of one hundred thousand dollars (\$200,000.00) or \$25,000.00 per day violation. DFS also understands that it is subject to a special assessment of one hundred twenty-five dollars (\$125.00) pursuant to the provisions of 18 U.S.C. § 3013(a)(1)(B)(iii).
3. Defendant DFS and the United States agree, pursuant to Rule 11(C)(1)(c) of the Federal Rules of Criminal Procedure, that the appropriate sentence to be imposed upon defendant DFS is a fine in the sum of \$10,000.00. Defendant DFS also agrees to pay the additional sum of

\$290,000.00 restitution to be used for remediation, education and protection to improve and enhance the natural environment in Tennessee including Anderson County, Tennessee, where the violation, herein, occurred, to be paid by the time sentencing as follows:

- a. \$240,000 to the Radiation Reclamation Trust Fund/Perpetual Care Trust Fund (TCA § 68-202-405), earmarked for cleanup and expenditures for the ATG Facility on Bear Creek Road in Anderson County, Tennessee.
- b. \$20,000 to the TVA Police Criminal Investigative Division (CID) to fund specialized training, equipment and support related to area of environmental concern.
- c. \$20,000 to the Southern Environmental Enforcement Network Inc. (SEEN) for training local, state and federal regulators and law enforcement agents and officers paid to the Southern Environmental Enforcement Training Fund Inc.
- d. \$5,000 to the Economic Crimes Fund, Seventh Judicial District, Anderson County District Attorney's Office, and
- e. \$5,000 to the Economic Crimes Fund, Ninth Judicial District, Roane County District Attorney's Office.
4. Defendant DFS will pay a special assessment of one hundred twenty-five dollars (\$125.00) at the time of sentencing.
5. No organizational probation shall be required.
6. A written stipulation of facts which establishes the factual basis supporting this plea and is relevant to all matters pertinent to sentencing is attached. This written stipulation of facts shall form the factual basis offered in support of this plea.
7. By pleading guilty, DFS waives and agrees to waive any and all motions, defenses, objections or requests which have been made or which could have been made in this case, except specific performance of the terms of the plea agreement and except as otherwise provided by the terms of this agreement. The corporation also waives the right to grand jury

presentment and trial by jury (or by a judge if the corporation is tried by a judge alone). At any such trial, the corporation would have the right to assistance of counsel to confront and cross examine the witnesses against the corporation, to present evidence on the corporation's behalf, to compel the attendance of witnesses for the defense, and to have witnesses to testify or refuse to testify on its behalf. The United States would have the burden of proving the case against the corporation beyond a reasonable doubt. The corporation would be presumed innocent and could be convicted only if a jury of twelve people (or a judge if the corporation is tried by a judge) unanimously found the corporation to be guilty beyond a reasonable doubt. The corporation would have the right to appeal a guilty verdict. All these rights and protections are hereby waived by the corporation.

8. The United States agrees, in exchange for the pleas of guilty identified in paragraph one (1) of this agreement, not to seek further criminal charges against defendant DFS or any of its officers, agents or employees based on any evidence presently known to the United States, of environmental law violations in the Eastern District of Tennessee, or otherwise arising out of or related to the facts in the Agreed Factual Basis.

9. No other agreement, understanding, promise or condition between the United States Attorney's Office and defendant DFS exists nor will such agreement, understanding, promise or condition exist unless it is committed to writing in an amendment attached to this document and signed by the defendant DFS and its attorneys and an Assistant United States Attorney for the Eastern District of Tennessee.

DURATEK FEDERAL SERVICES,  
Defendant  
Authorized Officer

By:

  
Its: President and Chief Executive Officer


12-12-06

\_\_\_\_\_  
Date

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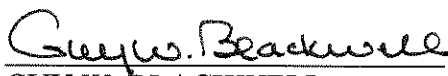
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Dec. 14, 2006

\_\_\_\_\_  
Date

  
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